



NORTH DAKOTA HOUSE OF REPRESENTATIVES

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COMMITTEES:

Appropriations

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Chairman David Clemens and Members of the Senate Transportation Committee,

Imagine for a moment you're driving from Grand Forks to Minot along US Highway 2. You set your cruise at 76 mph in a 70 mph zone. Speed limits are mostly consistent over all 200 miles, with a few speed changes as you drive through Devils Lake, Rugby, Surrey, and into Minot.

In the final miles you decide to keep driving 76 mph -- regardless of the speed limit. You'll be in three different speed zones in nearly as many miles. If you were pulled over and cited for traveling 76 mph, this is what your fine would be in each speed zone under current law:

76 mph in a 70 mph zone (highway)	6 mph over	\$30 ticket
76 mph in a 60 mph zone (Surrey)	16 mph over	\$50 ticket
76 mph in a 55 mph zone (Minot)	21 mph over	\$28 ticket

Our current fine structure dates back to 1979, when speeding fines were first assessed in tiers based on how fast over the speed limit a driver was traveling. Penalties created in 1979 originally applied to speeding on highways; those same fines eventually became the fines for all zones up to 55 mph.

Today, North Dakota has 3 speeding fine schedules:

55 mph and less zones	Tiered fine schedule increasing in \$1, 2, 3, and 5 increments
60 and 65 mph zones	\$2 / mph over for the first 10 over, \$5 / mph over for 11+
70 and 75 mph zones	\$5 / mph over

As introduced, HB 1279 would have standardized North Dakota's speeding fines and penalties to a system that is simple, understandable, and consistent across all speed zones. Instead of different formulas, speeding violations would be \$5 / mph over the speed limit regardless of the speed zone.

35 mph in a 25 mph zone		All equal a
50 mph in a 40 mph zone	=	\$50 ticket
85 mph in a 75 mph zone		

HB 1279 also sought to standardize our existing traffic point systems that are inconsistent with current speeding fine schedules: 1 system for all roads 65 mph and less; another system for 70 and 75 mph roads. Creating a standardized point system would ensure speeding violations are not just equitable and consistent, but understandable by the general public.

Standardization of speeding fines in North Dakota is long overdue. In fact, there are registered antique cars newer than our current speeding laws. Which is why the House Transportation committee felt strongly to adopt a standardized fine structure proposed with this bill. As the bill carrier said: HB 1279 “[m]ade a lot of sense. It makes it simpler, consistent, and doesn’t mess with the point system...”

Today I’m asking you to adopt one of these new amendment proposals before giving a revised HB 1279 your favorable recommendation to reconcile in conference committee.

Proposal 1: Original HB 1279 with modifications.

Amendment 21.0462.02003 applies current speeding fines and point schedule for divided / interstate highways and to all speed zones. This standardizes our speeding penalties to a single, consistent schedule that is easy to understand.

- **Plus one of the following:**

A. Amendment 21.0462.02001 removes Sections 2 and 3 of engrossed 1279; adds a new section that removes authority of municipalities to double speeding fines.

B. Amendment 21.0462.02005 removes sections 2 and 3 of engrossed 1279; adds comprehensive study of law enforcement and judicial jurisdiction regarding traffic laws and ordinances.

Proposal 2: Engrossed HB 1279 with modifications

Amendment 21.0462.02002 - Section 1 (only) applies the current fines for highways to all speed zones up to 65 mph; restores divided / interstate highway speed fines to current level; current traffic point schedules remain unchanged. *This creates a uniform speed and point schedule for all roads up to 65 mph and another speed and point schedule for divided / interstate highways.*

Amendment 21.0462.02005 removes sections 2 and 3 of engrossed 1279; adds comprehensive study of law enforcement and judicial jurisdiction regarding traffic laws and ordinances.

Comments and Requests Regarding § 40-05-06:

It’s been less than two years since § 40-05-06 became law, which was introduced following *ND Sup. Ct. Sauby v. City of Fargo (2008)*. Questions of local authority and jurisdiction are complex and require a thorough review. Other than limited testimony you receive today, neither chamber has had a hearing or in-depth discussion regarding major changes / removal of § 40-05-06 this session. There are many factors that have not been considered and warrant comprehensive review.

Study language was carefully drafted to bring all parties together during the interim. Not only would we review § 40-05-06, but dig into the larger questions of law enforcement and judicial jurisdiction as they relate to traffic laws and ordinances. Part of the study would include statutory revisions and possible non-statutory solutions, such as joint powers agreements.

Chairman Clemens and committee members, HB 1279 was introduced as a simple bill intended to simplify a complex and dated speeding fine structure. Amendments to the bill were well-intentioned and should launch further discussions regarding the delicate jurisdictional balance between governments, law enforcement agencies, and judicial systems.

I hope your committee agrees with sponsors, supporters, and nearly every member of the House that it’s time we simplify our speeding fines. I’m willing and eager to work with your committee to prepare the proper amendments to create a standardized speeding fine structure and remove any major changes to § 40-05-06. Once done, I encourage you to give HB 1279 a do pass recommendation.